



PUBLIC NOTICE

Federal Communications Commission
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Washington, DC 20554

News Media Information 202-418-0500
Internet: www.fcc.gov
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DA 22-243
Released: March 9, 2022

**DOMESTIC SECTION 214 APPLICATION FILED FOR THE TRANSFER OF CONTROL
OF PENNSYLVANIA TELEPHONE COMPANY, INC.
TO NEW LISBON HOLDINGS, INC.**

NON-STREAMLINED PLEADING CYCLE ESTABLISHED

WC Docket No. 22-99

Comments Due: March 23, 2022

Reply Comment Due: March 30, 2022

By this Public Notice, the Wireline Competition Bureau (Bureau) seeks comment from interested parties on an application filed by the former shareholders of the Pennsylvania Telephone Company, Inc. (PTC) and New Lisbon Holdings, Inc. (NLHI) and its now wholly owned subsidiaries, New Lisbon Telephone Company, Inc. (NLTC) and PTC (collectively, Applicants), pursuant to section 214 of the Communications Act of 1934, as amended, and sections 63.03-04 of the Commission's rules, requesting consent to transfer control of PTC to NLTC (which subsequently became a wholly owned subsidiary of NLHI).¹ Applicants consummated the transaction without prior authorization from the Commission on July 31, 2020.²

PTC, a Pennsylvania corporation, currently provides service to approximately 840 access lines as a rural incumbent local exchange carrier (LEC) in the southern portions of Clinton and Lycoming Counties in south central Pennsylvania.³ NLTC, an Indiana corporation, provides service to approximately 185 access lines as a rural incumbent LEC in Henry County in south central Indiana.⁴ NLTC's subsidiary (at the time of closing), New Lisbon Broadband and Communications, LLC (NLBC), is a competitive LEC operating outside of NLTC's and PTC's service area.⁵ NLBC received

¹ See 47 U.S.C. § 214; 47 CFR §§ 63.03-04. Application for the Transfer of Control of Domestic Authorization of Pennsylvania Telephone Company, WC Docket No. 22-99 (filed February 25, 2020) (Application). Applicants filed a request for special temporary authority (STA) to allow them to continue to provide service to customers while the domestic section 214 application is pending. On March 9, 2022, the Wireline Competition Bureau granted the STA for the domestic authorization for a period of 60 days. Letter from Charles E. Thomas, Jr., Counsel to the Former Shareholders of Pennsylvania Telephone Company, Inc., and Thomas J. Moorman, Counsel to the Current Shareholders of New Lisbon Telephone Company, Inc., to Marlene H. Dortch, Secretary, FCC, WC Docket No. 22-99 (filed Feb. 25, 2022). A grant of the domestic section 214 application will be without prejudice to any enforcement action by the Commission for non-compliance with the Communications Act of 1934, as amended, or the Commission's rules.

² Application at 3.

³ *Id.* at 2, n.2, 10.

⁴ *Id.* at 10.

authorization for Rural Broadband Experiment support and also participated in and won the rights to provide service to 281 locations in Indiana through Phase I of the Rural Digital Opportunity Fund (RDOF) Auction.⁶ NLBC provides wholesale broadband services within the NLTC service area, as well as cable television service in Henry County, Randolph County, and Wayne county in Indiana.⁷ NLHI, a holding company, does not provide telecommunications services.⁸ NLTC, and NLHI after it gained control of NLTC, is owned and controlled by its Board of Directors, which is comprised of eight U.S. citizens.⁹

Pursuant to the terms of the transaction, the shareholders of PTC sold 100% of its issued and outstanding shares to NLTC on July 31, 2020.¹⁰ On August 14, 2021, Applicants consummated a pro forma transaction resulting in NLTC, PTC, and NLBC becoming wholly owned subsidiaries of NLHI.¹¹

Applicants request streamlined treatment of the transaction and assert that a grant of the application would serve the public interest, convenience, and necessity.¹² Because the transaction is more complex than usual, and in order to analyze whether the proposed transaction would serve the public interest, the application will not be streamlined.¹³

Domestic Section 214 Application Filed for the Transfer of Control of
Pennsylvania Telephone Company, Inc. to New Lisbon Holdings, Inc.,
WC Docket No. 22-99 (filed Feb. 25, 2022).

GENERAL INFORMATION

The application identified herein has been found, upon initial review, to be acceptable for filing. The Commission reserves the right to return any application if, upon further examination, it is determined to be defective and not in conformance with the Commission's rules and policies.

Interested parties may file comments **on or before March 23, 2022**, and reply comments **on or before March 30, 2022**. Comments may be filed using the Commission's Electronic Comment Filing System (ECFS) or by paper.

- Electronic Filers: Comments may be filed electronically by accessing ECFS at <http://apps.fcc.gov/ecfs/>.

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⁵ *Id.* at 2, n.3.

⁶ *Id.* at 3 (citing *Rural Broadband Experiment Support Authorized for Winning Bid Submitted by New Lisbon Broadband and Communications, LLC*, WC Docket Nos. 10-90, 14-259, Public Notice, 31 FCC Rcd 4405 (WCB 2016); *Rural Digital Opportunity Fund Support Authorized for 2,576 Winning Bids*, AU Docket No. 20-34, WC Docket Nos. 10-90, 19-126, Public Notice, DA 21-151, Attach. A (Authorized Long Form Applicants and Winning Bids) (WCB/OEA, Feb. 14, 2022)).

⁷ Application at 2, n.3.

⁸ *Id.* at 9.

⁹ *Id.* at 7-8.

¹⁰ *Id.* at 9.

¹¹ *Id.* at 2, n.3.

¹² *Id.* at 10-11.

¹³ 47 CFR § 63.03(c)(1)(v).

- *Paper Filers:* Parties who choose to file by paper must file an original and one copy of each filing. If more than one docket or rulemaking number appears in the caption of this proceeding, filers must submit two additional copies for each additional docket or rulemaking number.
 - Filings can be sent by commercial overnight courier or by first-class or overnight U.S. Postal Service mail.¹⁴ All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.
 - Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9050 Junction Drive, Annapolis Junction, MD 20701. U.S. Postal Service first-class, Express, and Priority mail must be addressed to 45 L Street, NE, Washington, DC 20554.

In addition, e-mail one copy of each pleading to each of the following:

- 1) Myrva Charles, Competition Policy Division, Wireline Competition Bureau, myrva.charles@fcc.gov;
- 2) Dennis Johnson, Competition Policy Division, Wireline Competition Bureau, dennis.johnson@fcc.gov; and
- 3) Jim Bird, Office of General Counsel, jim.bird@fcc.gov.

People with Disabilities: We ask that requests for accommodations be made as soon as possible in order to allow the agency to satisfy such requests whenever possible. Send an email to fcc504@fcc.gov or call the Consumer and Governmental Affairs Bureau at (202) 418-0530.

The proceeding in this Notice shall be treated as a "permit-but-disclose" proceeding in accordance with the Commission's *ex parte* rules. Persons making *ex parte* presentations must file a copy of any written presentation or a memorandum summarizing any oral presentation within two business days after the presentation (unless a different deadline applicable to the Sunshine period applies). Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentation must (1) list all persons attending or otherwise participating in the meeting at which the *ex parte* presentation was made, and (2) summarize all data presented and arguments made during the presentation. If the presentation consisted in whole or in part of the presentation of data or arguments already reflected in the presenter's written comments, memoranda or other filings in the proceeding, the presenter may provide citations to such data or arguments in his or her prior comments, memoranda, or other filings (specifying the relevant page and/or paragraph numbers where such data or arguments can be found) in lieu of summarizing them in the memorandum. Documents shown or given to Commission staff during *ex parte* meetings are deemed to be written *ex parte* presentations and must be filed consistent with rule 1.1206(b), 47 CFR § 1.1206(b). Participants in this proceeding should familiarize themselves with the Commission's *ex parte* rules.

To allow the Commission to consider fully all substantive issues regarding the application in as timely and efficient a manner as possible, petitioners and commenters should raise all issues in their initial filings. New issues may not be raised in responses or replies.¹⁵ A party or interested person seeking to raise a new issue after the pleading cycle has closed must show good cause why it was not possible for it to have raised the issue previously. Submissions after the pleading cycle has closed that

¹⁴ Effective March 19, 2020, and until further notice, the Commission no longer accepts any hand or messenger delivered filings. This is a temporary measure taken to help protect the health and safety of individuals, and to mitigate the transmission of COVID-19. See *FCC Announces Closure of FCC Headquarters Open Window and Change in Hand-Delivery Policy*, Public Notice, 35 FCC Rcd 2788 (Mar. 19, 2020), <https://www.fcc.gov/document/fcc-closes-headquarters-open-window-and-changes-hand-delivery-policy>.

¹⁵ See 47 CFR § 1.45(c).

seek to raise new issues based on new facts or newly discovered facts should be filed within 15 days after such facts are discovered. Absent such a showing of good cause, any issues not timely raised may be disregarded by the Commission.

For further information, please contact Myrva Charles (202) 418-1506 or Dennis Johnson at (202) 418-0809.

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